

PRESTON EASLEY, ESQ./Cal State Bar No. 108347  
LAW OFFICES OF PRESTON EASLEY  
2500 Via Cabrillo Marina, Suite 106  
San Pedro, California 90731-7724  
Telephone: (310) 832-5315  
Facsimile: (310) 832-7730

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

ATTORNEY FOR: Plaintiff  
BERT MEYER

MAY 25 2005  
at 1 o'clock and 45 min. AM.  
WALTER A.Y.H. CHINN, CLERK

IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF HAWAII

BERT MEYER,	)	Civil No.: CV 04 00049 HG-BMK
	)	(In Admiralty)
Plaintiff,	)	SECOND AMENDED COMPLAINT
	)	FOR DAMAGES; SUMMONS ON
v.	)	SECOND COMPLAINT
MATSON NAVIGATION	)	
COMPANY, INC.; and	)	
PACIFIC LIVESTOCK, INC.,	)	
	)	
Defendants.	)	
	)	

COMES NOW PLAINTIFF BERT MEYER and complains of defendants,  
and each of them, and alleges:

1. At all times mentioned herein plaintiff BERT MEYER was a longshoreman employed by McCabe, Hamilton, & Renny Co., Ltd.

2. The basis of federal jurisdiction is Admiralty, 28 U.S.C. Sec. 1333. This is an admiralty claim for purposes of Rule 9(h). Diversity is an alternate bases for federal jurisdiction.

3. Defendant PACIFIC LIVESTOCK, INC. is a citizen of the State of California.

4. The amount in controversy exceeds \$75,000.00, exclusive of costs and interest.

5. At all times material hereto defendant MATSON NAVIGATION COMPANY, INC. owned, possessed, operated, managed, and was agent for the vessel S/S LIHUE which it managed, operated, and controlled in coastwise, intercoastal, and foreign navigation.

6. On or about October 1, 2002, plaintiff's employer, McCabe, Hamilton & Renny Co., Ltd., was engaged in rendering longshoring services on and about the S/S LIHUE which was pierside in navigable waters at Pier 52, Matson Terminal, Sand Island, Honolulu, Hawaii, and plaintiff was employed as a longshoreman on that site and at that time was performing such services on behalf of the employer.

7. On or about October 1, 2002, while working aboard the S/S LIHUE in navigable waters at the Matson Terminal, Honolulu, Hawaii, plaintiff suffered severe and disabling injuries when he fell from an unguarded catwalk and lashing platform grating.

8. Defendant MATSON NAVIGATION COMPANY, INC. breached its duty of care to plaintiff on October 1, 2002, by creating an unreasonably dangerous work environment for plaintiff aboard the S/S LIHUE in that there was no guardrail or cover or fall protection for subject catwalk and lashing platform grating, and there was animal waste on said catwalk grating and surrounding surfaces which made plaintiff's work area slippery and unsafe. Defendant PACIFIC LIVESTOCK, INC. employed the animal tenders who were aboard the S/S LIHUE at the time of plaintiff's accident. Defendants negligently failed to ensure that all animal waste was cleaned off the catwalks and hatch covers aboard S/S LIHUE on October 1, 2002, prior to the start of cargo operations by the longshoremen.

9. Defendant MATSON NAVIGATION COMPANY, INC. negligently failed to turn over the vessel to the stevedores in a safe condition and negligently failed to safely maintain equipment under its control.

10. Plaintiff is informed and believes and on such information and belief alleges that the aforementioned injuries are permanent in nature. All of said injuries have and will continue to cause plaintiff severe pain and suffering, whereby he has been generally damaged in a sum to be proven at trial. All of said injuries were caused by the negligence of defendants, and each of them.

11. As a direct and proximate result of said negligent conduct of defendants, and each of them, plaintiff has incurred and will continue to incur liabilities for medical attention, care and treatment, and wage loss, the exact amount of which is unknown to plaintiff at this time and plaintiff has been additionally damaged in said amount and prays leave to amend this complaint and insert amount upon the same being ascertained.

WHEREFORE, plaintiff prays judgment against defendants, and each of them, as follows:

1. For general damages, according to proof at trial;
2. For medical and incidental expenses, according to proof;
3. For loss of earnings and earning capacity and fringe benefits, according to proof;
4. For prejudgment interest, according to proof;
5. For costs of suit incurred herein;
6. For such other and further relief as the Court may deem just and proper.

Dated: May 13, 2005



PRESTON EASLEY  
Attorney for Plaintiff  
BERT MEYER

## UNITED STATES DISTRICT COURT

District of HAWAII

BERT MEYER,

Plaintiff,

V.

MATSON NAVIGATION COMPANY, INC.; and  
PACIFIC LIVESTOCK, INC.  
Defendant.**SUMMONS IN A CIVIL ACTION**  
ON SECOND AMENDED COMPLAINT

CASE NUMBER: CV 04-0049 HG-BMK

TO: (Name and address of Defendant)

Matson Navigation Company, Inc.; and  
Pacific Livestock, Inc.**YOU ARE HEREBY SUMMONED** and required to serve on PLAINTIFF'S ATTORNEY (name and address)Preston Easley, Esq.  
2500 Via Cabrillo Marina, Suite 106  
San Pedro, CA 90731

an answer to the complaint which is served on you with this summons, within 20 days after service of this summons on you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. Any answer that you serve on the parties to this action must be filed with the Clerk of this Court within a reasonable period of time after service.

WALTER A.Y.H. CHINN

MAY 25 2005

CLERK

/s/ Drew Tomimoto

DATE

(By) DEPUTY CLERK



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UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

BERT MEYER,	)	
	)	Civil No.: CV 04-00049 HG-BMK
	)	
Plaintiff,	)	(In Admiralty)
	)	
v.	)	CERTIFICATE OF SERVICE RE
	)	SECOND AMENDED
MATSON NAVIGATION	)	COMPLAINT FOR DAMAGES;
COMPANY, INC.; and	)	SUMMONS ON SECOND
PACIFIC LIVESTOCK, INC.,	)	COMPLAINT
	)	
Defendants.	)	
	)	

CERTIFICATE OF SERVICE  
RE SECOND AMENDED COMPLAINT FOR  
DAMAGES; SUMMONS ON SECOND COMPLAINT

I hereby certify that on this date copies of SECOND AMENDED  
COMPLAINT FOR DAMAGES; SUMMONS ON SECOND COMPLAINT were  
duly served upon the following in the manner indicated below, addressed as follows:

Mailed      Delivered    Via Facsimile

John R. Lacy, Esq.  
Randolf L.M. Baldemor, Esq.  
GOODSILL ANDERSON  
QUINN & STIFEL  
Alii Place, Suite 1800  
1099 Alakea Street  
Honolulu, HI 96813

X

Attorneys for Defendants  
MATSON NAVIGATION  
COMPANY, INC.

Dated: May 27, 2005

By Patti Bannon  
Patti Bannon